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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,730	02/14/2002	Karen A. McKirchy	P02293US2	2691

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EXAMINER	
HAILU, TADESSE	
ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
04/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patatty@ipmvs.com

Office Action Summary	Application No.	Applicant(s)	
	10/075,730	MCKIRCHY, KAREN A.	
	Examiner	Art Unit	
	TADEESE HAILU	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to the amendment filed March 9, 2010. The amendment contains the original claims, all reviewed, and rejected.

Response to Arguments

2. Applicant's arguments, see Remarks, filed March 9, 2010, with respect to the rejection of claim 1-41 have been fully considered, and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Farley et al (US 5,257,185)

Claim Rejections - 35 USC § 101

3. Claims 16-20, and 35-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preamble of Claim 16 recites "An interactive learning system". The body of the claim fails to recite one or more hardware component or structure of the system. Thus, since no computer hardware (e.g. a processor) is recited as a claim element, one of ordinary skill in the art may conclude that the "interactive learning system" is implemented as software routines *per se*.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-11, 14, 16, 19, 21-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Farley et al (US 5,257,185).

Farley et al (Farley) relates generally to knowledge systems, and more particularly, to knowledge systems adapted for interactive learning, information retrieval, and problem solving in a specified subject area.

With regard to claim 1:

Farley discloses a method of providing instruction to a user of an instructional program (e.g., displaying a challenger window 120 (Fig. 8), wherein the challenger window directs all challenging activities, including question display, response selection and access to Super Ref (Information 134) content categories, col., 16, lines 15-35, also see column 12, lines 38-52)).

Farley discloses presenting an interactive instructional program to the user via an information processing device, the program having a plurality of sections comprising instructional information related to a subject (e.g., Fig. 8 shows the challenger window as it initially appears. The selected challenger mode includes a plurality sections such

as the subject name 36, and higher level topic 38, the first topic question 126 also shown, when answered, questions are replaced by new ones automatically. col., 16, lines 22-35).

Farley also discloses making available to the user via the information processing device additional instructional options related to the instructional information for one or more sections in the program (e.g., ; Whenever a question appears, the user may choose from four alternative courses of action (or options): (1) ask for a restatement of the question for clarity or assistance in thinking it through, (2) view related Super Ref knowledge before answering, (3) answer the question directly, or (4) not answer at all, preferring instead to skip to other questions or topics first. For example, as shown in Fig. 9, additional options of available responses includes "No", "yes" and "DON'T KNOW–EXPLAIN QUESTION") (also column 16, lines 36-column 17, lines 47).

Farley also discloses the additional instructional options for said one or more sections including additional instructional information available to the user via the information processing device in at least first and second levels of sophistication, any of the at least first and second levels of sophistication being user-selectable via the information processing device, at any time and in any order. (e.g., As shown in Figs. 9 and 11, the available responses, options or level of sophistications includes "No", "yes" and "DON'T KNOW–EXPLAIN QUESTION". These options are available at various stages of the challenger sessions (also col., 16, lines 36-column 17, lines 47).

With regard to claim 2:

Farley also discloses that the first level of sophistication comprises information at a first level of comprehension(e.g., as shown in Fig. 11, in a challenger session, a user is selecting a "yes" (Fig. 11) response or level of sophistication (Col., 17, lines 22-36).

With regard to claim 3:

Farley also discloses that the second level of sophistication comprises information at a second level of comprehension (e.g., as shown in Fig. 9, in a challenger session, a user is selecting one other level of sophistication, "DON'T KNOW–EXPLAIN QUESTION", Once this is selected, one or more different, explanatory questions will be appear. Together these explanatory questions will assist the user in deliberately detailed thought process prior to answering the original challenger question, column 16, 57-66).

With regard to claim 4:

Farley also discloses the second level of comprehension is at a higher level than the first level of comprehension (e.g., Once the available option, "DON'T KNOW–EXPLAIN QUESTION" is selected, one or more different, explanatory questions will appear. These explanatory questions are a higher level help or assistance relative to the question being asked, a higher level knowledge will be gained. On the other hand a user can simply answer "yes" (first level comprehensive) with no explanatory assistance needed.

With regard to claim 7:

Farley teaches the first level of sophistication has short, plain language, summary fashion (e.g., see the available option or level of sophistication, "no", "yes" and "DON'T KNOW–EXPLAIN QUESTION" Figs. 8-11).

With regard to claim 8:

Farley teaches that the second level of sophistication has long, high educational, more complex language (e.g., one of the available option or level of sophistication, "DON'T KNOW–EXPLAIN QUESTION" when selected the challenger session provides detailed explanation about the question, Figs. 8-11).

With regard to claim 9:

Farley teaches that each level of sophistication has one detail of information attribute that differs from the other level of sophistication. (e.g., one of the available option or level of sophistication, "DON'T KNOW–EXPLAIN QUESTION" when selected the challenger session provides detailed explanation about the question, Figs. 8-11).

With regard to claim 10:

Farley teaches that information is presented to the user in a form perceivable by the user at least a third level of sophistication ("no", "yes" and ", "DON'T KNOW–EXPLAIN QUESTION" are at least the three options or level of sophistications, Figs. 8-11).

With regard to claims 11 (apparatus) and 16 (system):

The remaining independent claims, while not necessary identical in scope, contain limitations similar to independent claim 1 (method) and therefore are rejected under the same rationale.

With regard to claims 14 and 19:

Farley teaches that at least a three level of sophistications ("no", "yes" and ," "DON'T KNOW–EXPLAIN QUESTION" are at least the three options or level of sophistications, Figs. 8-11).

With regard to claims 24, 31 and 38:

Farley teaches the information comprises instruction related to the subject (Figs. 8-11).

With regard to claims 21, 28 and 41;

Regarding claims 21, 28, and 41, Farley does teach at least two sections of the program have additional instructional options and the number of levels of sophistication varies between the at least two sections (see Figs. 8-11, and also col., 16, lines 36-column 17, lines 47).

With regard to claim

Farley does teach at least two sections of the program have additional instructional options and the type of additional instructional information varies between the at least two sections (see Figs. 8-11, and also col., 16, lines 36-column 17, lines 47).

With regard to claims 23, 30 and 37:

Farley does teach at least two sections of the program have additional instructional options and the number of levels of sophistication and type of additional instructional information varies between the at least two sections.

With regard to claims 25, 32 and 39:

Farley does teach at least two sections of the program have the type of additional instructional information varies between the at least two sections (see Figs. 8-11, and also col., 16, lines 36-column 17, lines 47).

With regard to claims 26, 33 and 35:

Farley does teach at least one section of the program having no additional instructional options (see Figs. 8-11, and also col., 16, lines 36-column 17, lines 47).

With regard to claim 27, 34 and 40:

Farley does teach at least one section of the program having an additional instructional option at one level of sophistication (see Figs. 8-11, and also col., 16, lines 36-column 17, lines 47).

5. Claims 5-6, 12-13, 15, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farley et al in view Cook et al ("Cook", US 5727950).

Regarding claims 5 , 6, 12, 15, 17, and 20, as described above (also col., 16, lines 36 col., 17, lines 47) ,Farley teaches at least three levels of sophistication in challenger session, that is, "no", "yes" and "DON'T KNOW -EXPLAIN QUESTION"). Farley further describes a student terminal having input means for student to control the interface program and output means for the interface program to visually communicate with the student is hard-wired of otherwise in communication with the

computer (col., 5, lines 58-column, lines 17). Furthermore, although Farley describes presenting fully cross-references information in any form (text, full motion video, graphics, and audio).

Farley, however, does not teach that the first level of sophistication comprises a first type of voice associated with a first textual content and/or the second level of sophistication comprises a second type of voice associated with a second textual content. However, Cook teaches that plurality of voices/gestures/motions can be used in the tutoring system (help information) (see col. 6, lines 13-16) depending on the individual student. These voices/gestures/motions are associated with different help agents of different levels. For example, "Study Buddies" level are on-screen agents for grade schoolers, and coach level is on-screen agent of an adult (see col., 6 lines 1-5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second type of voices in Farley's interactive system with the motivation being to provide customized, individualized instructional helps to different students or people.

Regarding claims 13 and 18, as described above (also col., 16, lines 36 col., 17, lines 47) ,Farley teaches at least three levels of sophistication in challenger session, that is, "no", "yes" and "DON'T KNOW -EXPLAIN QUESTION"). Farley does not teach that the first level of sophistication comprises a first character and a second level comprises a second character. However, the use of characters, representative character, agent, or avatar for providing instructional help is known in the art as taught

by Cook. Specifically, Cook teaches an agent based instruction system which provide student with virtual tutors or on-screen agents (col., lines 21-24). The on-screen agents can appear as living entities appropriate for level of a student (for example, "Study Buddies" are on-screen agents of grade schoolers (first character for first level) or a coach is on-screen agent of an adult (second character for second level)) (see col. 5, line 67 to col., 6, line 12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to apply Cook's teaching of using different characters for different levels and/or different students to provide a first character and a second character for the two levels in Farley's interactive system or learning system with the motivation being to enhance customized and individualized instructional help method (Cook, col., 5, lines 12-19).

CONCLUSION

6. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kieu Vu, can be reached at (571) 272-4057 Art Unit 2173.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173
4/3/2010